

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 7835/2024

Chief General Manager, Bharat Sanchar Nigam Limited & Anr.

-----Petitioners

Versus

M/s Raj Solutions (India) Private Limited & Anr.

-----Respondents

For Petitioner(s)	:	Mr. Tej Prakash Sharma with Mr. Inderjeet Deora Ms. Ishika Kothari Mr. Vaibhav Jhankara
For Respondent(s)	:	Mr. Mahendra Saran Mr. Sunil Swami Mr. Hitesh Kumar

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

09/07/2024

Learned counsel for the petitioners submits that respondent No.1 does not satisfy the definition of "supplier" under Section 2n of the Micro Small and Medium Enterprises Development Act 2006 (for brevity, "the Act of 2006"). Relying upon the judgments of Hon'ble Supreme Court of India in the case of **M/s Vaishno Enterprises Vs. Hamilton Medical AG and Anr.: Civil Appeal No.1892/2022** decided on 24.03.2022 and in the case of **Gujarat State Civil Supplies Corporation Ltd. Vs. Mahakali Foods Pvt. Ltd. (Unit 2) and Anr.: AIR 2022 SC 5545** and other connected matters, he submits that unless the applicant satisfies the requirement of being 'supplier', proceeding under Section 18 of the Act is not maintainable.

Mr. Mahendra Saran has put in appearance on behalf of respondent No.1.

Copy of this writ petition has already been supplied to him.

Notice need not be issued to respondent No.2 as it is a formal party.

Meanwhile, learned counsel for the respondents may file reply.

Learned counsel for the respondents would be at liberty to file an application under Article 226(3) of the Constitution of India, if so advised.

Considering the contentions advanced by learned counsel for the petitioners as well as law laid down by Hon'ble Supreme Court of India in the case of *M/s Vaishno Enterprises (supra)* and *Gujarat State Civil Supplies Corporation Ltd. (supra)*, further proceedings pending before the Micro and Small Enterprise Facilitation Council, Jaipur Division-I shall remain stayed.

List after four weeks.

(ANIL KUMAR UPMAN),J